

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 2, 2008

D052433 People v. Butler

Judgment affirmed. Benke, Acting P.J.; McDonald, J., O'Rourke, J.

D052734 Lutz v. First American Escrow Transfers Inc., et al.

Upon written request filed by appellant, the appeal as to respondent Chicago Title Company is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 3, 2008

D053510 In re Kobe on Habeas Corpus

The petition is denied.

D052083 Express Companies, Inc., v. Taylor et al.

The judgment is affirmed except the cost award is vacated and the matter is remanded for a new hearing on the costs sought as travel costs only. However, if respondent shall, within 30 days from the date of our remittitur, file pursuant to California Rules of Court, rule 8.264(d) a written consent to a reduction of the cost award to the sum of \$11,209.08, the judgment will be modified to award respondent costs in that amount, and as so modified will be affirmed in its entirety. (*Rosener v. Sears Roebuck & Co.* (1980) 110 Cal.App.3d 740, 757.) The parties shall bear their own costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D053527 In re Clark on Habeas Corpus

The petition is denied.

D053458 Carter v. Workers' Compensation Appeals Board/Long's Drugs et al.

At the request of petitioner, the petition for writ of review is dismissed.

D051471 In re Michael K., a Juvenile

The restitution order is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D050961 People v. Bradford

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., O'Rourke, J.

D052249 Allen v. Jackson et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is DISMISSED.

D052663 Ferro v. Trevino

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D053199 Valenzuela v. Styn

Pursuant to California Rules of Court, rule 8.140, the appeal filed June 04, 2008, is DISMISSED for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 3, 2008 (Continued)

D053614 Barboza v. Superior Court of San Diego County/People

The petition for writ of mandate has been read and considered by Presiding Justice McConnell and Associate Justices Haller and McDonald. The court takes judicial notice of the record in People v. Barboza D052050. The petition is denied

D053047 In re Glen C. et al., a Juvenile

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 4, 2008

D052961 People v. Narvaez

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360(c)(5)(A). The appeal is dismissed.

D053049 In re Miguel M. et al., Juveniles

The appeal is dismissed. Huffman, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D052861 In re K.M., a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D047364 Schaffter et al. v. Creative Capital Leasing Group, LLC

The opinion filed August 11, 2008, is ordered certified for publication.

D049670 Nabi v. Ali

The petition for rehearing is denied.

D053183 In re Carly O., a Juvenile

The appeal is dismissed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D052759 People v. Mallory

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D053419 In re Peter M. et al., Juveniles

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D051397 People v. Battles

The judgment is affirmed as to Battles' convictions of resisting an officer and is reversed as to the convictions of burglary and attempted burglary. The matter is remanded for further proceedings consistent herewith. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D051608 People v. Meyers

The judgment is affirmed. Haller, Acting P.J.; We Concur: Aaron, J., Irion, J.

D052755 People v. Lisangi

Judgment affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 5, 2008

D049191 Great Western Drywall, Inc. v. Roel Construction, Inc.

The opinion filed August 13, 2008, is ordered certified for publication with the exception of parts I and III.

D050305 Platypus Wear Inc., et al. v. Goldberg

The trial court's November 1, 2006 order granting Goldberg's application to file an anti-SLAPP motion is reversed. The trial court's January 30, 2007 order on the merits of Goldberg's anti-SLAPP motion is vacated. The matter is remanded to the trial court with directions to deny Goldberg's application to file an anti-SLAPP motion, and for further proceedings. Respondents shall recover costs on appeal. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D051394 People v. Dorsey

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

D052428 People v. McElmurry

The trial court is directed to strike the probation condition that McElmurry move from his Spring Valley residence. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

D052717 Conservatorship of Christopher A.

The appeal is dismissed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D052837 In re Fabian Z., a Juvenile

The appeal is dismissed.

D053470 In re A. C., a Juvenile

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D051621 In re Marriage of Alfsen

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D051145 Hidden Valley Ranch et al. v. City of Poway

The petition for rehearing is denied.

D053645 People v. Araya

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 5, 2008 (Continued)

D053438 In re Turner on Habeas Corpus

The petition is denied.

**D053468 Otay River Constructors et al. v. Superior Court of San Diego
County/South Bay Expressway, L.P.**

The petition is denied.